

KENNEBUNKPORT Town Review

A newsletter for the residents of Kennebunkport

Number 12

Fall 2009

FEMA Provides Revised Flood Maps Larger Issues at Hand

By Werner Gilliam,
planner/assistant code enforcement officer

In June of this year, the Federal Emergency Management Agency (FEMA) presented the Town with preliminary copies of the recently revised Flood Insurance Study report and Flood Insurance Rate maps. In September, FEMA notified the Town of its intent to implement the proposed floodplain elevations. This study and the accompanying maps become the basis for Kennebunkport's Floodplain Management Ordinance. The Town must adopt these revisions in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

The proposal affects a great many town properties either in whole or in part. Currently, the Town has approximately 1,200 parcels that are affected by the existing floodplain designations. Under the revised maps, that number increases to 1,800. In addition to the increase in the number of parcels, the minimum construction elevations have increased dramatically in a number of areas. Properties within designated floodplains will be required to acquire flood insurance by mortgage holders. Such insurance rates are very high. For this reason, it is to the owner's advantage to acquire flood insurance before the designation takes effect, because the

See FEMA page 8



Camp Ellis, Patriots Day storm 2007.

Public's Right to Use Goose Rocks Beach Challenged

By Larry S. Mead, town manager

A small group of beachfront property owners along Goose Rocks Beach is asserting the right to restrict public access to most of Goose Rocks Beach, between Sand Point and the Batson River. This group, which has retained a Portland attorney to represent its interests, contends that property owners along the beach have title to the low water mark. They ask that the Town acknowledge the right of beachfront property owners to determine who may or may not use the beach. They have stated their intention to sue the Town to seek a court determination that the beach is privately owned unless the Town accedes to condi-

tions, including posting signs acknowledging that all but a small portion of Goose Rocks Beach is private, and enforcing trespass laws against members of the beach-going public who seek to use the beach for general recreation purposes.

The Board of Selectmen has met with the Town's Attorney to discuss the Town's rights and legal position. The Selectmen believe that this group's attempt to restrict access to and use of the beach is contrary to the traditional and long-established patterns of open public use of Goose Rocks. Extensive areas of Goose Rocks

See GOOSE ROCKS page 8

Revaluation of Property Values is Implemented With Fall Tax Bills

By Larry S. Mead, town manager

The revaluation process that began with voter approval in November 2007 has been completed by Vision Appraisal. The Board of Selectmen accepted the final values established by Vision and set the fiscal year 2010 tax commitment this past August 27. In addition, the Selectmen set the new tax rate at \$6.34 per thousand dollars of value, which ended up being less than the original projection of \$6.75.

The revaluation was undertaken because property values had changed dramatically in the 10 years since it had been done. In particular, values of the waterfront-related properties had increased much more than other properties. The purpose of revaluation is to more equitably distribute the distribution of property taxes. In the final analysis, the revaluation resulted in changes in values to properties that were in line with expectations.

Direct Appeals to Assessor's Office

Property owners who believe that the value assigned to their proper-

ty is wrong or unfair may appeal the assessment. State law provides that owners have 185 days from the date of commitment to file an appeal. Any property owner who wishes to appeal should start with the Assessor's Office (967-4243, ext. 102) by submitting an appeal form stating the reason for requesting an abatement of taxes. The Assessor's office will contact the property owner to review the request and will render a decision whether to accept the abatement request or not.

Next step—Board of Assessment Review

If after the decision of the Assessor's office the property owner still believes the value is wrong or unfair, the property owner may file a second appeal to the Town's Board of Assessment Review (BAR). The BAR is a committee of five members and two alternates appointed by the Board of Selectmen whose responsibility is to review decisions of the Assessor regarding abatement

See REVALUATION page 5

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Town of Kennebunkport

November 3, 2009

BALLOT QUESTIONS

Question 1

AMENDMENT TO THE LAND USE ORDINANCE CONCERNING ACCESSORY HOUSING

Shall an ordinance entitled "November 2009 Amendment to the Kennebunkport Land Use Ordinance Concerning Accessory Housing" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment would make a number of revisions to the Land Use Ordinance designed to increase the number of properties where accessory apartments are permitted in Kennebunkport.]

Question 2

AMENDMENT TO THE LAND USE ORDINANCE CONCERNING SHORELAND ZONING

Shall an ordinance entitled "November 2009 Amendment to the Kennebunkport Land Use Ordinance Concerning Shoreland Zoning Changes" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment would correct an error regarding the vegetation removal standards within the Shoreland Zone in which two standards were inadvertently referenced.]

Question 3

AMENDMENT TO THE COMPREHENSIVE PLAN

Shall an ordinance entitled "November 2009 Amendment to the Comprehensive Plan for the Town of Kennebunkport, Maine" as submitted by the Town of Kennebunkport's Growth Planning Committee be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment would add a chapter regarding Hazard Mitigation to the Comprehensive Plan adopted by the Town in 1996 and amended in 2006, 2007, 2008, and 2009.]

Question 4

AMENDMENT TO THE FIRE CODE ORDINANCE

Shall an ordinance entitled "November 2009 Amendments to the Fire Code Ordinance" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment would correct an error regarding the referenced section of Maine law that governs the enforcement of the Town's Fire Code Ordinance.]

Question 5

AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE TO CREATE A GOAT ISLAND LIGHT CONTRACT ZONE

Shall an ordinance entitled "November 2009 Amendment to the Kennebunkport Land Use Ordinance to Create a Goat Island Light Contract Zone" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This will create a Goat Island Light Contract Zone which will permit the Kennebunkport Conservation Trust to restore the Goat Island Light Station to its mid 1950s condition which includes the rebuilding of several structures that were either torn down or destroyed in storms. The current Resource Protection designation does not allow these structures to be rebuilt.

This proposal is subject to a full site plan and subdivision review by the Kennebunkport Planning Board.]

Town of Kennebunkport

Special Town Meeting

Village Fire Station
32 North Street

Tuesday, November 3, 2009

8:00 AM to 8:00 PM

To vote on the Articles related to
amendments to the:

1. Land Use Ordinance pertaining to Accessory Housing.
2. Land Use Ordinance pertaining to Shoreland Zoning.
3. Land Use Ordinance to create a Goat Island Light Contract Zone.
4. Comprehensive Plan.
5. Fire Code Ordinance.

A copy of the Warrant and sample ballots
are posted at the:

Kennebunkport Town Offices
Graves Memorial Library
Kennebunkport Post Office
Atlantic Hall
Goose Rocks Beach Fire Station

The Warrant and the proposed ordinance amendments
can be viewed on:

www.kennebunkportme.gov

A copy of all documents can be obtained from the Town Clerk.

Town of Kennebunkport

Notice of Public Hearings

Please Take Notice

A public hearing will be held at the Village Fire Station, 32 North Street
on Thursday, October 22, 2009, at 7:00 p.m.
by the Kennebunkport Board of Selectmen
to take public comment on each of the following topics to be
voted on by Referendum Ballot

at the November 3, 2009, Special Town Meeting:

1. Amendment to the Land Use Ordinance concerning
Accessory Housing.
2. Amendment to the Land Use Ordinance concerning
Shoreland Zoning.
3. Amendment to the Comprehensive Plan.
4. Amendment to the Fire Code Ordinance.
5. Amendment to the Land Use Ordinance to create a
Goat Island Light Contract Zone.

The Growth Planning Committee shall also report its recommendation
on the Land Use Ordinance and Comprehensive Plan amendments.

Copies of the proposed amendments are available for
inspection at the office of the Town Clerk or on the
Town's Website at www.kennebunkportme.gov

Further Take Notice

A separate public hearing will also be held immediately following the
Board of Selectmen hearing at the Village Fire Station by the
Planning Board to take public comment on the same proposed
Land Use Ordinance amendments referenced above.

April Dufce, Town Clerk

State Excise Tax Proposal Cuts Rate for Newer Cars; Would Reduce Town Revenues by \$320,000

By Larry S. Mead, town manager

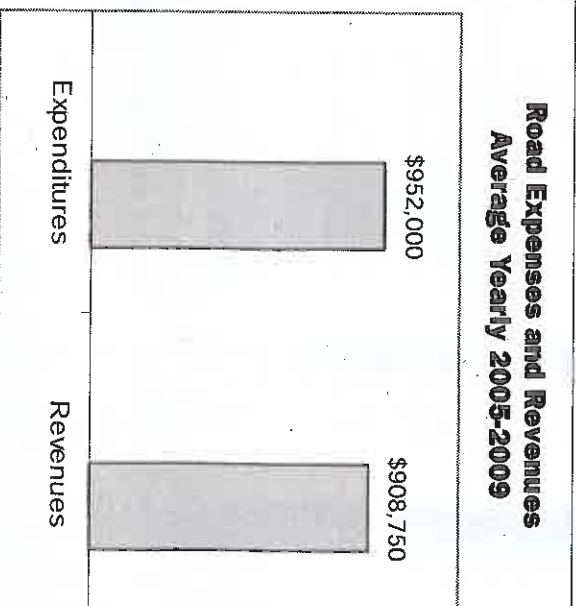
Question 2 on the State ballot asks voters to consider a proposal to significantly cut the motor vehicle excise tax rates that are applied when newer cars and trucks are registered each year. For the newest cars (four years or newer), the rates are cut between 50 percent and 70 percent. For vehicles in their fifth year, the rate is cut by just under 40 percent. There would be no reduction in excise taxes for any motor vehicle older than five years. About 68 percent of all registered vehicles in Kennebunkport are older than five years.

First authorized in 1929, motor vehicle excise taxes are revenues that go directly to Maine's towns and cities. They do not go to the State treasury. Only the vehicle registration fees go to the State and the ballot question does not affect vehicle registration fees. In Kennebunkport, it is estimated that excise tax revenues would drop by 40 percent or \$320,000. If adopted by voters, the cuts in excise tax and local revenues would begin in January 2010.

Although the Kennebunkport Town Meeting does not require that excise tax revenues be spent on road maintenance, the records show that town voters have consistently chosen to spend more funds on road maintenance than the Town collects in excise taxes. Over the past five budget years, the

Town has collected an average of \$856,000 per year in excise taxes, and has expended an average of \$952,000 on road maintenance and improvements. The Town has also received \$52,000 each year from the State's local road assistance fund. As is evident from this data, road expenditures and road-related revenues have been roughly equivalent for the Town.

This pattern of relative parity between excise tax revenues and local road expenses is typical for towns across the State of Maine according to data collected by the Maine Municipal Association (MMA). As a matter of practice, excise tax revenues are used by towns to maintain local roads and bridges. For example, in fiscal year 2007 the total excise tax raised statewide was \$210 million; total local road expenditures were \$235 million. Even after the State aid for local roads (\$25.4 million statewide) is factored in for fiscal year 2007, municipalities spent 99.8 percent of the combined revenues from excise tax and State aid for roads on road-related expenditures. Local governments in Maine shoulder a larger burden of road maintenance responsibility than is typical in other states. According to the MMA, the Federal Highway Administration reports that Maine local governments received \$2,654



*Revenues include both excise taxes and state road assistance.

per local road mile in state and federal aid for local roads, far below the \$4,553 in local road mile assistance that is the national average. Maine roads are subject to harsh, punishing winters that add to repair costs and require higher maintenance expenditures for plowing and winter treatment. For this reason, the residents of Kennebunkport and other Maine towns put a high priority on road repair and maintenance as evidenced by the support at Town Meeting for highway related expenditures.

In summary, the November ballot proposal to significantly reduce excise taxes on motor vehicles will also dramatically reduce revenues to the Town of Kennebunkport. The reductions in excise taxes directly benefit those who own newer vehicles, while almost 70 percent of registered cars in Maine will not qualify for a reduction. Over the years, town voters have authorized spending more on road maintenance and improvements than the Town collects in excise taxes. The proposed reduction in excise taxes for newer vehicles will reduce excise tax collections in Kennebunkport by an estimated \$320,000 annually. If voters wish to continue the current level of expenditures by the Town on road maintenance and improvements, either spending on other town services will need to be reduced or the amount of property taxes raised by the Town will need to be increased.

Accessory Apartment Changes and Restoration of Goat Island Lighthouse Top Local Ballot

By Larry S. Mead, town manager

The November Town ballot includes five questions for voters to consider. Question 2 corrects an error in the Shoreland Zoning Ordinance. Question 3 adds a chapter pertaining to Hazard Mitigation to the Town's Comprehensive Plan. Question 4 corrects an error in the Town's Fire Code Ordinance.

Accessory Apartments Ordinance
Question 1 would increase the number of properties in Kennebunkport where accessory apartments are permitted. This initiative was developed by the Board of Selectmen. The Selectmen wanted to assist property owners who may wish to provide living space for aging parents.

The purpose of the proposed changes to Kennebunkport's Accessory Apartment regulations is to provide property owners with more flexibility in using their prop-

erty either for additional income or for accommodating family members with supplemental living space. A second purpose of the initiative is to add a source of affordable housing for people of moderate income who wish to live in Kennebunkport. The accessory apartments must be occupied as a primary residence only and cannot be available for transient rentals. The owner of the property must also reside in either the primary unit or the accessory apartment and must provide evidence that Kennebunkport is their primary residence.

Goat Island Light Contract Zone
Question 5 would create a Contract Zone for Goat Island in order to allow the Conservation Trust to carry out the restoration of the Goat Island Light Station the condition it was in during the

Passport Applications

Applications for passports are processed at the Town Clerk's Office during the following business hours:

Monday through Friday
8 a.m.-noon

Please contact the Town Clerk's Office at 967-4243 ext 110 to make sure she is in or for more information.

Kennebunkport Public Officials

Board of Selectmen

Allen A. Daggett, chair
Mathew J. Langan, vice-chair
Stuart E. Barwise
Sheila Matthews-Bull
D. Michael Weston

Town Manager
Larry S. Mead

Election News and Absentee Voting

By April Dufoe, town clerk

When you come to the polls on November 3, 2009, you will receive two ballots. One will be a State ballot and the other a local ballot. The State ballot will contain seven referendum questions (One People's Veto to reject the new law that lets same-sex couples marry; four Citizen Initiatives to cut municipal excise tax, repeal school consolidation, require voter approval by referendum to increase state and local tax increases, and to change medical marijuana laws; one bond question; and one Constitutional Amendment to increase the amount of time that local officials have to certify petitions). To see the full text of the ballot questions, you can go to www.maine.gov/sos/cec/elec/upcoming.html. Our local ballot will have five referendum questions. For more information and the exact language of our local questions, see some of the other articles in this newsletter. You may also look on the Town's Website, which is www.kennebunkportme.gov, or come to the Town Clerk's Office for more information on the proposed ordinance language. The Public Hearing on all the local ballot questions will be Thursday, October 22, 2009, at the Village Fire Station,

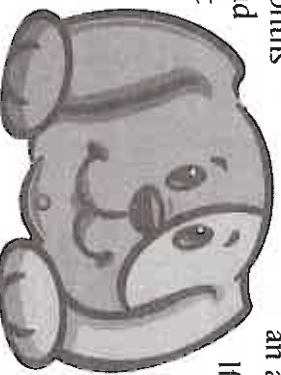
32 North Street at 7:00 p.m. Maine law does make it easy to cast an absentee ballot. You do not have to be out of town or have any other reason to take advantage of this easy way to vote at a time that is most convenient for you. There are several ways for you to obtain an absentee ballot. You can make a telephone request for your own ballot, which will be mailed to you. You can come in to the Town Hall and make a written request and take the ballot home with you, mark your voting preference, and return it. Also, an immediate family member can make a written request on your behalf and bring you the ballot. You may also choose to vote in person at the Town Hall. There will be a special area set up for anyone to come and vote in private at a convenient time. **Absentee ballots are available now.**

To be counted, voted absentee ballots must be received by the Town Clerk by 8:00 p.m. on Election Day, November 3, 2009. If you have any questions about registering to vote or voting absentee, please call the Town Clerk's office at 967-4243 ext. 110, and I'll be glad to answer any of your questions.

Time to Register Your Dog (Almost)

By April Dufoe, town clerk

It's almost that time of year again! Time to renew your dog's license. According to the laws of the State of Maine, a dog may not be kept anywhere within the limits of the State unless the dog has been licensed. An owner of a dog that is 6 months of age or older and kept in town, must obtain the license from the Town Clerk between October 15 and December 31 **each year.** The fee to license your dog is \$11.00 if the dog is capable of producing young or \$6.00 if the dog has been spayed or neutered.



If you apply for the dog's license after January 31, a late fee of \$15.00, in addition to the annual license fee, will be charged.

When you come to the Town Office to license your dog, you must bring proof that a veterinarian has immunized the dog

So don't wait until the last minute. Come early (anytime after October 15) and avoid waiting in line. The Town Clerk's hours are Monday through Friday, 8:00 AM - 4:30 PM. You can also license your dog by mail if that is more convenient for you.

State Referendum Question 4 Would Limit the Authority of Town Meeting on Speeding Limits

By Larry S. Mead, town manager

The tradition of Town Meeting in Kennebunkport can be traced back more than 330 years. In February 1678 at a Town Meeting in Cape Porpus, permission was given to William Frost to construct a saw mill "at the falls at the head of the river." In return, the Town was to be given boards for its own use at the price of "twelve pence in a hundred." This Town and its early founders have been making budgetary decisions at Town Meeting for the hundreds of years in between that early date and today.

Question 4 on the State ballot asks voters to approve changes to the existing spending limits on local government that have been in place for four years. Question 4 would also change the manner in which such spending limits are enforced by voters in Kennebunkport by taking it out of the jurisdiction of Town Meeting.

Question 4 is known as TABOR II because it is a modified version of a similar ballot measure that was rejected by Maine voters (and Kennebunkport voters) in 2006. The provisions of TABOR II would compel Kennebunkport to submit budget and taxing decisions that exceed the referendum-imposed spending limits to a referendum vote, rather than continuing with the long-standing tradition of Town Meeting decisions. Under TABOR II, if voters at Town Meeting approve a budget that exceeds state mandated spending limits, a separate referendum would have to be held. If the referendum results differ from Town Meeting, a second Town Meeting would be required and possibly yet a second referendum. Because state law requires 45 days notice prior to an election, the proposed Tabor II changes would severely disrupt the Town's budget process and result in added costs for each election day.

Referendum voting is currently, and always has been, an option available to Kennebunkport Voters in several towns, including Kennebunk, have locally chosen to utilize this governance tool. But TABOR II would require all towns to adopt the same method of voting for these decisions, rather than leave it up to voters in each community to decide how they wish to make their spending decisions.

TABOR II also imposes new and significant additional costs on state and local governments by requiring statewide referendum voter approval for a variety of spending increases, including the state highway fund.

Information from proponents and opponents of the TABOR II referendum proposal is available on line at www.memun.org and at www.mainepolicy.org.

Community Pancake Breakfast

Sponsored by
Kennebunkport
Consolidated PTA
Saturday, November 14
8:00-10:00 a.m.
All are welcome.



Save Your General Mills Box Tops for Education

The Kennebunkport Consolidated PTA asks you to clip Box Tops for Education from General Mills products and drop them in the receptacle at Graves Library or in the Consolidated School lobby.



the difference
can make.

Kennebunkport Public Health

By Judy Barrett, R.N., B.S.

This summer has been very successful concerning programs that focus on improving the water quality along Kennebunkport's beaches and inland watershed. The Kennebunk River Committee has the FREE pump-out station up and running in the Kennebunk River, across from the Arundel Yacht Club. Boaters, please use this station and others wherever you travel. They greatly reduce fecal pollution along our rivers and swimming beaches.

The Environmental Protection Agency determined Kennebunkport as a NO DISCHARGE ZONE for boaters. Harbormaster Jim Nadeau received the EPA banner at the August 19 ceremony held on the Silas Perkins Park lawn. At this event, the State of Maine Healthy Maine Beach Program also received a \$264,567 grant that will enable this program to continue. Also, speaking of the Maine Healthy Beach Program, there has been a shift in state government placing this function from Maine State Planning to the Department of Environmental Protection.

MAINE CLEAN MARINA AND BOATYARD PROGRAM: Congratulations to the management and staff of the Kennebunkport Marina for becoming Kennebunkport's first Clean Marina under the State of Maine Clean Marina and Boatyard Program. Earning this distinction requires a great amount of man hours and dedication from management and staff, and meeting all of the requirements is neither an easy nor inexpensive task. The residents and guests of Kennebunkport would like to extend a huge thank you for all of your efforts toward improving the water quality of the Kennebunk River as well as Colony and Kennebunk Beach. Your actions have greatly reduced potential sources of pollution.

MAINE HEALTHY BEACH PROGRAM: A beach advisory is posted for any water sample test result over 104 colonies of bacteria. Despite the very rainy summer, advisories were only posted three times at Goose Rocks Beach and once at Colony Beach. June 23 tests results were our highest as shown below:

<u>Location</u>	<u>Colonies of Bacteria</u>
Colony Beach	121
Mouth of the Little River	798
Public Access at Broadway	256
Public Access at	
177 Kings Highway	1,483
Mouth of Batson/	
Smith Rivers	552

All test results can be found on the Town's Webpage at <http://www.kennebunkportme.gov>. Select the yellow Water Quality tab.

I would like to extend a huge thank you to the testing team: Linda Hanna, Bill Henning, Raven Dufoe and Lee McCurdy. If you were up walking our beaches at 7:30 a.m., Tuesday mornings, they are the folks who were out in waste-deep water collecting samples; recording temperatures, salinity, and conditions; from Memorial Day to Labor Day.



These Brownies earned their Water Drop patch.

BROWNIE SCOUTS: As part of their Water Drop patch requirements, the Brownie Scouts stenciled storm drains around Dock Square. The girls would like to remind you that whatever you pour down the storm drain enters our streams and rivers. Please take that extra minute and dispose of chemicals properly.

WINTER PREPARATION: Now that the leaves are falling, it is time for us to prepare for the winter months. Residents are encouraged to contact their local fuel supplier and Central Maine Power Company to establish budget plans. If you heat with wood, make sure your supply is in and dry. Last winter, we, as part of the Kennebunkport Emergency Fuel Program, had a difficult time finding a dry cord.

All heating units and chimneys need to be cleaned and windows and doors tightened up. If you need financial assistance with these tasks, contact York County Community Action 1-800-965-5762 and apply for the Low Income Heating Assistance Program (LIHEAP).

GENERAL ASSISTANCE: Kennebunkport's General Assistance and social service functions are administered by the Public Health Department. If you are having difficulty meeting your food, heating or other basic needs, please contact 967-4401.

SECRET SANTA: The holidays are right around the corner. We are always looking for volunteers to help with holiday dinner programs and Secret Santa. Secret Santa applications are at the Public Health Office.

STUFF THE BUS: Help us fill the Parks and Recreation bus with nonperishable food items and household supplies on November 3. Health Council and Rotarian volunteers will be collecting donations at 32 North Street from 8 a.m.-8 p.m. We are aiming to fill the Community

Outreach pantry shelves as well as provide for the holiday baskets. Checks can be made out to Community Outreach Services. Kennebunkport residents are utilizing the food pantry an average of six times a week.

FLU SEASON: The Center of Disease Control predicts a severe flu season for the winter of 2009-2010. Residents are encouraged to get the seasonal flu and pneumonia vaccines and if their medical provider advises it, the H1N1 vaccine. Everyone should follow the flu prevention and treatment guidelines as established by the CDC. The most current information can be found on the State of Maine CDC webpage. Remember-your Public Health nurses are here to help you. We do make house calls. Do not forget, our free medical equipment loan closet is well supplied with commodes, tub chairs walkers and canes.

COLLECTION SITE: The Public Health Department is a collection site for used cell phones. Residents are encouraged to bring sharps and medications both prescription and over the counter to the Public Health Department for proper disposal.

IF YOU ARE ILL, STAY HOME!!!

Revaluation

from page 1

requests. The BAR will conduct a formal hearing and will listen to arguments from both the person requesting the abatement and the Assessor's office, and then render a decision.

The final appeal for those who do not agree with a decision of the BAR is to the York County Superior Court.



Kennebunkport firefighters Adam Andrews and Captain Scott Lantagne rescue cat from tree after two day ordeal.



Kennebunkport firefighter Jean Moulton in command at a recent live fire exercise.

Town Seeking Volunteers to Fill Board/Committee Vacancies

Have you wanted to give back to your community, but didn't know how? Well, here is your opportunity to share your knowledge, experience, and special talents. Although Kennebunkport already has many residents who contribute their time and effort to the Town, more volunteers are needed for our committees/boards.

As you know, it is the people who make Kennebunkport unique and special. Yes, *you* could make a difference. So, how about serving on one of the Town's boards/committees? You would not only increase your social network, but also learn more about your town and become a valuable asset to your community.

Volunteers may apply online at <http://www.kennebunkportme.gov>. Select the **Appointed Boards** tab, then scroll to the bottom and select **Volunteer Application**, or you may contact Arlene at the Town Office for an application at: 967-4243, ext 107, or amcmurray@kennebunkportme.gov.

The following boards/committees are open to new members:

Committees/Boards	Position Vacancies		Duties
	Full-time	Alternate	
Government Wharf	1		Advises the Board of Selectmen on all matters relating to the management of Government Wharf.
Growth Planning	1	2	Completes revisions to the Town's Comprehensive Plan.
Parsons Way	1		Makes recommendations to the Board of Selectmen for the management of Parsons Way consistent with the conditions set by Henry Parsons deed.
Planning Board	1		Performs duties described in state statute.
Sidewalk Committee	3		Advises the Board of Selectmen on all matters concerning the construction and maintenance of sidewalks in town.
Solid Waste	5		Advises the Board of Selectmen on recycling and solid waste collection within the Town.

Heads Up!



Halloween Festival, Friday, October 30, following the Trick or Treat in the Port. This will take place from 5 p.m. to 8 p.m. in the Temple Street Area, FM-967-4304.

Remaining 2009 Town Holidays Observed

(Town Offices Closed)

Wednesday, November 11
(Veterans Day)

Thursday, November 26
(Thanksgiving Day)

Friday, November 27
(Thanksgiving Friday)

Friday, December 25
(Christmas Day)

Town Winter Holidays

Observed 2010

(Town Offices Closed)

Friday, January 1
(New Years Day)

Monday, January 18
(Martin Luther King Jr. Day)

Monday, February 15
(Presidents' Day)

Town Of Kennebunkport Property Tax Assistance Program

What is the program?

The Kennebunkport Property Tax Assistance Program provides financial assistance to homeowners and renters who have been year-round residents for at least the past 10 years, and who have qualified for the Maine State residents' Property Tax and Rent Refund Program. The Maine State Program is intended to benefit residents whose property tax or rent expenses are above average relative to their personal income.

How do I qualify for the Kennebunkport Program?

You must have received a refund check after August 1, 2009, from the Maine State Property Tax/Rent Refund Program, **AND** Kennebunkport must have been your principal residence for the past 10 years, **AND** You must submit your application to the Town Hall for the Kennebunkport program no later than November 16, 2009.

What is the amount of assistance I will receive from the Kennebunkport program?

If you qualify, you will receive up to \$500, or 50 percent of the amount of the refund from the State Property Tax/Rent Refund Program, whichever is less.

Will I get a check from the Town if I qualify?

Most people will not receive a check. Instead, they will receive a credit against the second half tax bill that is sent out in March. If a homeowner has paid their second half property tax bill in advance, the Town will issue a check in the qualifying amount.

Why is the program limited to residents who have lived in Town for 10 years?

The program was established by voters at Town Meeting in November, 2008. Properties have appreciated significantly over the past 10 years. Those who purchased a home within the past 10 years were aware of the increasing value of that property at the time of purchase.

What tax period is covered by this program?

The 2009 local property tax assistance program applies to taxes paid for the tax assessment in effect between April 1, 2008 and March 30, 2009. It does not apply to the post-revaluation tax assessment.

How do I apply for the Kennebunkport Property Tax Assistance Program?

Property Tax Help Available Now Through Town Circuit Breaker Program

By **Larry S. Mead, town manager**

The Town has unveiled its local property tax relief program for residents. The local circuit breaker program provides up to \$500 to residents who qualify for the State program, have lived in Town for at least ten years, and who are of low or moderate income. The purpose of the program is to help residents who have experienced rapid increases in the value of their home and whose incomes struggle to keep pace with property tax costs. To receive the local property tax credit, a resident must qualify for the State of Maine property tax refund program. Last year, 282 Kennebunkport residents qualified for the State program.

Applications are also available at Town Hall or you can apply online at http://www.kennebunkportme.gov/Public Documents/KennebunkportME_Depis/proptaxassistapp

Complete the Maine State Property Tax Assistance Application first to see if you qualify. Do this as early as possible because the deadline for the Town program is November 16.

If you do qualify for a State refund, complete and submit the Town application. You can pick up both applications at Town Hall or call 967-4243, ext. 107.

prefloodplain rates are much lower and will continue with the property. Properties in floodplains can be saddled with restrictions on expansions and/or renovations.

Property owners in proximity to shoreland areas, including rivers and tidal areas, are urged to contact the Town's Code Enforcement Office to see if their properties are affected by the proposed new floodplain regulations.

The NFIP was authorized under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. It was developed to identify areas that are prone to various levels of flooding for the purposes of establishing flood insurance rates and to assist communities in their efforts to promote sound floodplain management. Current maps are based on flood probability estimates that in many cases are out of date or were based on elevation data that has since been superseded by more accurate data.

The current version of the Floodplain Management Ordinance that was last revised in 1999 provides construction requirements for structures that are located

within the floodplain. Typical requirements involve submittal of a flood insurance certificate that shows actual elevation data prepared by a licensed surveyor. This elevation information will dictate the building height necessary to allow for potential flood waters to flow in and around the structure.

In addition to the standards that are within the Floodplain Ordinance, state mandated Shoreland Zoning provides additional restrictions that require compliance. The State requires that undeveloped floodplain areas must be zoned Resource Protection in order to protect sensitive coastal wetlands that provide numerous benefits besides just their scenic views. Areas that are developed are permitted to be zoned according to their current uses and are permitted to remain so.

Kennebunkport's existing Shoreland Zoning rules are more restrictive than the State, because Resource Protection Zoning is applicable to residential areas. Unless the Town's resource protection rules are changed, the new floodplain designation would make large areas of residentially developed coastal neighborhoods nonconforming, including Goose Rocks, Cape Porpoise, and Turbat's Creek. Such a change would effectively prohibit potential expansions or reconstructions.

Property Owners Responsible for Appealing Floodplain Designations to FEMA

Under FEMA rules, individual property owners who believe that their properties have been inappropriately included in the proposed floodplain designations must submit an appeal to FEMA. At this time, the deadline for the appeals has been extended until early 2010; however, FEMA has not yet set a firm date when appeals will be due. Any appeal must be based on documented scientific or technical evidence. Appeals are to be submitted to the Town's Code Enforcement Office, and the Town is responsible for forwarding all appeals to FEMA.

The Town is working with other York County communities and with the office of Senator Susan Collins to compel FEMA to delay its implementation schedule until towns and individual property owners can develop a reasonable understanding of how FEMA developed its proposed designations.

Meeting With FEMA

A public meeting will be held by representatives of FEMA on Wednesday, November 4, at 6:30 p.m., at the Kennebunk Town Hall. At the meeting, FEMA will present information regarding the proposed changes and will answer questions from the public.

Sharpen Your Skates

Friday Night Skate at the Park at Crow Hill.

For winter sports and activities see Recreation News at www.kennebunkportme.gov for the latest information.

Christmas Prelude

Craft Fair Saturday, December 5, to benefit Consolidated School PTA.

Join us for our famous chili luncheon.

Sunday, December 6, to benefit Project Graduation. Crafts, food tables, Chinese auction, raffles, etc.

Goose Rocks

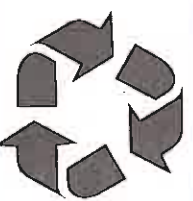
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Beach have been used by neighborhood residents and visitors without conditions and without explicit permission from property owners for generations. The Selectmen unanimously reject the claim that vast portions of Goose Rocks Beach are private and accessible by permission only.

Selectmen have over the summer spoken with a great many residents of Goose Rocks Beach and other town neighborhoods about this attempt to control who may use Goose Rocks Beach and under what conditions. A consistent theme that emerges from these conversations is that Kennebunkport residents have enjoyed unrestricted access to the beach for as far back as anyone can remember. Residents cannot imagine that,

going forward, they would have to seek permission from dozens of individual property owners to travel across and use the beach at Goose Rocks for general recreational purposes.

The Town remains ready to work cooperatively with property owners to address any inappropriate or unreasonable recreational use of the beach. The Town's policy is to support the maintenance of the status quo at the beach and to continue the longstanding tradition of reasonable public access to and recreational use of this important public resource within our Town. The Town does not wish to engage in protracted litigation over this matter; however, the conditions that have been presented are unacceptable. The Selectmen will continue to defend the public's right to use and enjoy the beach.



Reduce Reuse Recycle



Women's Self-Defense Class

Instructors from Team Irish of Biddeford teaching a Women's Self-Defense Class in Kennebunkport.

Class was sponsored by the Kennebunkport Recreation and Police Departments.

